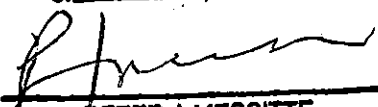


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Motion "DENIED" this 12 day
of SEPT, 20 23

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA

*

v.

*

CRIMINAL NO.: PJM 23-032

ABDUL TURAY,

*

Defendant.

* * *

DEFENDANT'S MOTION TO RECONSIDER REVOCATION OF RELEASE ORDER

COMES NOW the defendant Abdul Turay, by and through undersigned counsel, and requests this Court reconsider the revocation of release order and in support of this request, states the following:

BACKGROUND

Mr. Turay and co-defendant Rodley Balthazar are charged in a Superseding Indictment with Conspiracy to Commit Interstate Transportation of Stolen Motor Vehicles in violation of 18 U.S.C. §371 and Receipt and Possession of Stolen Motor Vehicles, in violation of 18 U.S.C. §2312. On March 22, 2023, Mr. Turay attended an initial appearance before Honorable Judge Ajmel A. Quereshi. A Pretrial Services Report was prepared that recommended release for Mr. Turay with multiple conditions. The government requested detention based upon risk of flight. Mr. Turay's father and sister were present at this first hearing. After hearing extensive argument by government's counsel as to why Mr. Turay was a flight risk and as such should be detained, Mr. Turay was temporarily released with standard conditions of release and additional assurances of his appearance in court as follows:

1. The defendant was placed in the custody of his father as a third-party custodian and ordered to live with his father; and

2. The defendant was ordered to report on a regular basis to his pretrial supervising officer; and
3. The defendant was ordered to surrender any passport and obtain no new passport or travel documents; and
4. The defendant's travel was restricted to Maryland, DC, and Virginia; and
5. The defendant must avoid contact with co-conspirators; and
6. The defendant must participate in substance abuse testing, evaluation, and treatment and counseling; and
7. The defendant must not open bank accounts or lines of credit; and
8. The defendant must refrain from possessing the PII of anyone else.

ECF 35.

As required to do, Mr. Turay appeared early to the courthouse on March 24, 2023 for a detention hearing. He was accompanied by his father, girlfriend, children who remained outside of the courtroom, and at least 4 other family members. During this lengthy hearing, the government made the same arguments in their goal to have Mr. Turay found to be a flight risk and thus should be detained. Again, Judge Quereshi considered all arguments and found for a second time, that there were conditions of release that could be set to ensure Mr. Turay appeared in court. The following additional conditions of release were added and are stricter conditions than that of the temporary order of release:

1. Mr. Turay's was ordered to not have contact with any other alleged co-conspirators in addition to the original order of no contact with co-conspirators; and
2. Mr. Turay was ordered to participate in a location restriction program with location monitoring in which he was confined to his father's residence at all times with exceptions noted in the order.

ECF 40.

Thereafter, the government appealed the March 24, 2023 Order Setting Conditions of Release and requested a Stay of the release order. Mr. Turay objected. Following a hearing on April 4, 2023, this Court revoked the conditions of release and detained Mr. Turay. Mr. Turay has continuously been detained at the Prince George's County Detention Center. He asserts conditions of release can be set to ensure that he will return to court when required to do so. Indeed, Mr. Turay has already demonstrated that he will return to court when required to do so on March 24, 2023 for a hearing and again on March 31, 2023 when he was required to turn himself in.

C. Mr. Turay's history and characteristics.

Mr. Turay is 29 years old and a lifelong resident of Maryland. Mr. Turay graduated from Bowie High School in 2012. Prior to his arrest, he lived in Frederick, Maryland with his girlfriend, Treasure Thompson, their eight-month-old son, 5-year-old daughter, and Ms. Thompson's 13-year-old son. Mr. Turay worked from home and was responsible for much of the childcare, including taking his daughter to school every day. At the initial hearing and detention hearing, Ms. Schokman informed Judge Quereshi that she did not believe location monitoring was necessary and that she had considered Mr. Turay's role in transporting the children as needed. Ms. Thompson works at a nursing home at night, runs a mobile spa bus, and sells holistic healing products from a website. Mr. Turay conducted much of the day-to-day operations with this online sales business.

Mr. Turay was the victim of two robbery related shooting incidents in 2009 and 2016. He suffered collapsed lungs in both incidents and currently has asthma type symptoms. Bullet fragments remain within his lungs causing difficulty breathing in small confined spaces, such as the jail. *Exhibit 1 and 2, filed under seal.* Mr. Turay is suffering adverse health issues due to his asthma and breathing problems associated with the prior injuries. Prince George's County Detention Center has been undergoing significant staff shortages which in turn mean that inmates are kept in their cell for

prolonged periods of time. *Exhibit 3*. According to media accounts and the article attached as Exhibit 3, former staff note the jail has been operating on “lockdown” and staff are routinely working long shifts. One employee noted he was “especially worried for inmates held on non-violent charges.” *Id.* Lockdowns require inmates to remain in a locked cells without access to fresh air or the ability to move out of the cell and even take showers. This is causing increased asthma symptoms for Mr. Turay.

The government seized Mr. Turay’s passport on March 22, 2023. He has no funds saved or means to afford to flee the area. Moreover, his family ties, especially the care for his children, will ensure he will appear in court when required. The argument that he would flee now is contrary to his conduct after he would have known his alleged criminal conduct was under investigation.

The conduct alleged in the Superseding Indictment listing acts by Mr. Turay ended in 2019. Since that time, Mr. Turay has not been convicted of any crimes; has been working with his girlfriend’s venture; and has been raising his young family.

E. Proposed conditions of release.

Mr. Turay put forth three possible third-party custodians – his father, his sister, and his girlfriend. Pretrial Services initially recommended his father over the other two custodians. Mr. Turay’s father is still willing to act as the third-party custodian. The senior Mr. Turay is also willing to pledge the equity in his home to ensure that his son appears in court when required to do so. He purchased 849 Nalley Road, Landover, MD for \$220,000.00. Its estimated value to date is \$349,000.00

Mr. Turay requests conditions of release consistent with those proposed originally by the magistrate judge. In addition, his father will ensure he appears in court by pledging the equity in his home in Landover. Mr. Turay requests that this Court reconsider the order of detention and order

strict supervision by Pretrial Services with 24-hour home confinement, location monitoring, third party custodian, and a significant monetary pledge of equity.

For all the reasons set forth above and those presented at a hearing, Mr. Turay requests that conditions of release be set in this matter.

Respectfully submitted,

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